

## COMMISSION ON COMMON OWNERSHIP COMMUNITIES

Minutes of the Monthly Meeting  
1401 Rockville Pike, 5<sup>th</sup> Floor, Rockville, MD 20850  
**October 3, 2018**

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:06 pm by Chairman Mark Fine.

Commissioners present: BRANDA, BURROWS, ETHIER, FINE, FISHBEIN, MALAMUD, MYO KHIN, STEINBACH, VALLEY, VINEY

Commissioners absent: Gardner, Gelfound, Oxendine, Winegar

Staff present: Walter Wilson, Associate County Attorney; Tim Goetzinger, Chief of Finance and Administration; Ife Fabayo, Staff

Guests: Henry Jordan [Leisure World], David Frager [Leisure World], Kimya Hogarth [Wintergate at Longmead CA], and Jane Utterback [Wintergate at Longmead CA]

1. **Chair's Comments:** DHCA Director Clarence Snugg's brief to the Commission was re-scheduled for November meeting; PHED [Planning, Housing, Economic Development Committee] meeting presentation of CCOC Annual Report was well received, included new Community Guide, training Manual, and in-person training module; the County Council sends their thanks to the commissioners; Councilman Leventhal happy with the progress of his sponsored Tiger Team on Distressed Communities.
2. **OPEN FORUM:** All guests said they were present to see the Commission at work.
3. **Minutes approved:** Commissioner Burrows moved to approve the minutes of the September 5, 2018 monthly meeting as presented, Commissioner Fishbein seconded, approved by majority vote, Commissioners Dallas & Myo Khin abstained.
4. **Summary of Disputes under consideration for jurisdiction - Default cases:**  
2019-008, Falls Ridge v. Daniel Tan: Architectural dispute, Respondent did not answer complaint; Commissioner Fishbein moved to **accept jurisdiction and refer the case to a Default Hearing**, Commissioner Burrows seconded, approved by unanimous vote.
5. **Summary of Disputes under consideration for jurisdiction – Contested cases:**  
#2018-095, Edward Woody v. Hampshire Greens HOA – After discussion Commissioner Ethier moved to **reject the case** as falling under the business judgment rule, seconded by Commissioner Malamud, motion approved by majority vote, Commissioners Fishbein, Steinbach & Myo Khin abstained.  
#2018-097, Caroline Kelley v. Lakeview Condominium Assoc – Towing issue; After discussion Commissioner Ethier moved to **reject the case** as the Complainant had no standing because she filed her complaint after moving out of the community; Commissioner Malamud seconded, motion approved by unanimous vote.  
#2018-104, Roman Svirsky v. Woodcock HOA – After discussion Commissioner Ethier moved to **reject the case** as falling under the business judgment rule, seconded by Commissioner Myo Khin, motion approved by unanimous vote.  
#2019-001, Erik Pierce v. Maryland Mutual 8 – Failure to properly conduct open & closed meetings and failure to give proper notice of meetings; After discussion, Commissioner Viney moved to **accept jurisdiction and refer the case to a hearing panel**, Commissioner Burrows seconded; the motion was approved by majority vote: Commissioners Ethier, Burrows, Fishbein, Myo Khin, Viney in favor, Commissioners Branda, Malamud,

Steinbach, Valley against, Commissioner Fine recusing.

6. **D&Os Issued:** #2016-057, Greencastle Lakes CA v. Penya Littleton decision in meeting packet
7. **D&O on Appeal:** n/a
8. **County Attorney's report:** Mr. Wilson advised staff to begin writing citations against an Association that deliberately violated a stay. Citations to be hand-delivered and sent by certified mail return-receipt requested. The OCOC will also start citing board members who have not been certified for taking the required board training.
9. **DHCA Staff report:** Monthly data report presented by Tim Goetzinger. Twenty-seven associations still delinquent in paying their annual registration fees; Licensing Dept. sending out second notices, to be followed by citations.
10. **Chair's report:**
  - a) Digital readers for everyone, brief explanation on set-up after close of meeting;
  - b) Commission Chair has a dedicated office now with small conference table that can be used for small group meetings;
  - c) New commissioners must attend at least one default hearing and one contested hearing;
  - d) Commissioner Fishbein will send out draft of Commission Directory. Please confirm he has your correct details, sign up for at least one committee, and get back to him by October 15. [This directory is not for distribution outside the commission.]

#### **11. Committee reports:**

Education Committee [Commissioner Viney, Chair]:

- a) Board Training: notices regarding the availability of classroom-style training has been sent to Leisure World mutual boards as well as the LWCC board, but no response yet; Mark Fine setting up regular monthly training sessions at 1401 offices, next scheduled for October 22.
- b) Cut-off date for submissions to Peter Drymalski for the next Newsletter is November 1.
- c) DHCA Landlord-Tenant seminar on Thursday, Oct. 18 [landlords] and Thursday, Oct. 25 [tenants]; CCOC to make a brief presentation and man an info table.
- d) "How to Hold a Closed Meeting" – amendments and adoption should be submitted by October 10<sup>th</sup> so final draft can be included in commissioners' November meeting packet for a vote.
- e) There will be NO MEETING of the committee next week [Tuesday, October 9].

IT Committee [Commissioner Burrows]: no report

Legislative Committee [Commissioner Branda, Chair]: no report

Process & Procedures Committee [Commissioner Ethier, Chair]: Meeting with Steve Brown [Procurement] is scheduled for next week to discuss sending out purchase orders for training modules.

**11. Old business:** none

**12. New business:** Interviews to begin on October 16th for full-time administrative assistant to replace Larita Carney.

**13. Meeting adjourned at 9:00 pm. Next meeting Wednesday, November 7, 2018 at 7:00pm**

**Submitted by Kathy Viney,  
Recording Secretary**